

CALIFORNIA COASTAL COMMISSION

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Hearing Date:	1/8-11/03

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 5-02-380**APPLICANT:** City of Santa Monica**PROJECT LOCATION:** Area bounded by and including Montana Avenue, Fourth Street, Wilshire Boulevard, and Ocean Avenue, in the City of Santa Monica**PROJECT DESCRIPTION:** Establishment of a residential preferential parking zone with no parking or stopping between the hours of 6:00 p.m. to 8:00 a.m. without a permit; and the erection of signs identifying the hours of the parking restrictions and demarcating the restricted areas (Zone UU).**LOCAL APPROVALS RECEIVED:** City Council approval

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the preferential parking zone with special conditions requiring the City to: (1) Prohibit preferential parking along Ocean Avenue, which is located adjacent to Palisades Park; (2) limit the authorization of the preferential parking restrictions approved by this permit to a five year time limit, at the end of which the applicant may reapply for a new permit to reauthorize the parking program; and (3) place the applicant on notice that any change in the hours or boundaries of the preferential parking zone will require Commission approval. As conditioned, to mitigate the adverse individual and cumulative impacts on public access and recreation, the project can be found consistent with the access and recreation policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits No. 5-97-215, 5-96-22, 5-96-059, 5-99-45 through 51 (City of Santa Monica), 5-90-989 (City of Los Angeles Dept. of Transportation), 5-91-498(Sanders); A-5-VEN-97-183 (City of Los Angeles; City of Santa Monica's certified LUP.

STAFF NOTE

In recent years the Commission has received applications from local governments to limit public parking on public streets where there are conflicts between local residents and beach visitors, trail users and/or people seeking coastal views. The streets subject to the current application request for preferential parking extends three to five blocks inland from the Santa Monica's North Beach (area north of the Santa Monica Pier. See Exhibit No. 3). The City of Santa Monica proposes to restrict public parking throughout the evening and early morning hours (6:00 p.m. to 8:00 a.m.). Residents along the affected streets will be allowed to park on the streets within the zone by obtaining a parking permit from the City. The City currently charges \$15.00 per year for a preferential parking permit.

Public access, parking and recreation in an area can result in impacts to neighborhoods that are not designed to accommodate visitors. In this case, the City of Santa Monica has stated that the residential streets within the zone have been impacted by visitors to the downtown visitor-serving commercial Third Street Promenade. The City is proposing the parking restriction to address the conflict that occurs when there is a lack of on-site parking for residents and the on-street parking spaces are utilized by non-residents.

The Coastal Act basis for the Commission's involvement in preferential parking issues is found in the policies which encourage maximizing public access to the shoreline. For many areas of the coast, particularly the more urbanized areas, the key to gaining access to the shoreline is the availability of public parking opportunities. In past permit actions, the Commission has consistently found that public access includes, not only pedestrian access, but the ability to drive into the coastal zone and park to access and view the shoreline. Without adequate provisions for public use of public streets, residential permit parking programs that use public streets present potential conflicts with Coastal Act access policies.

In this particular case, staff recommends that the Commission allow parking limitations as proposed by the applicant, except that staff recommends that the Commission limit the authorization of the restrictions to 5 years and require the applicant to apply for a new permit to reinstate the program after that time. Because the Coastal Act protects coastal related recreational opportunities, including jogging, bicycle and trail use, staff is recommending special conditions to ensure that the implementation of the hours will not adversely impact beach and recreational access. As proposed by the applicant and conditioned by this permit, staff does not believe the proposal will adversely affect public access and public recreational opportunities.

This permit application is the ninth permit application for residential preferential parking in the City of Santa Monica that has come before the Commission (see Exhibits No. 6). In 1999, the Commission approved seven preferential parking zones. Six zones were located south of Pico Boulevard, with one zone located one block north of Pico Boulevard. The zones varied in location from adjacent to the beach to seven blocks from the beach (see Exhibit No. 2). The parking restriction hours for each zone varied from 24-hour

restrictions, limited public parking during the day, to evening hours only (see Exhibit No. 5).

RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-02-380:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-02-380 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions.**

1. Public Parking Hours

Preferential residential parking restrictions shall not apply along any portion of Ocean Avenue.

2. Termination of Preferential Parking Program

(a) The parking program authorized by this permit shall terminate five years from the date of approval of the permit.

(b) The City may apply for a new permit to reauthorize the parking program. Any such application shall be filed complete no later than 54 months from the date of approval of this permit and shall include all of the following information: The application for a new permit shall include a parking study documenting parking utilization of the streets adjacent to the preferential zone, including Ocean Avenue. The parking study shall include at least three non-consecutive summer weekends between, but not including, Memorial Day and Labor Day. The parking study shall also include a parking survey for the three non-consecutive summer weekends documenting purpose of trip, length of stay, parking location, destination, and frequency of visits.

(c) All posted parking restriction signs shall be removed prior to termination of authorization for preferential parking unless the Commission has approved a new permit to authorize preferential parking beyond five years from the date of approval of this permit.

3. Future Changes

With the acceptance of this permit the applicant agrees that any change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description, Location and Background

The City of Santa Monica proposes to establish a residential preferential parking zone (zone UU) that would prohibit public parking between the hours of 6:00 p.m. to 8:00 a.m. without a permit along the following described streets within the City of Santa Monica (see Exhibit No. 2 & 3):

Ocean Avenue, 2nd Street, 3rd Street and 4th Street between Wilshire Boulevard and Montana Avenue; and Montana Avenue, Idaho Avenue, Washington Avenue, California Avenue, between Ocean Avenue and 4th Street.

Preferential parking restrictions will be limited to the east side (inland side) of Ocean Avenue and will apply only to street curbsides that are adjacent to properties developed with residential development within the zone (west side of Ocean, north and south side of Wilshire, and other areas developed with non-residential development, will not be affected by the parking restrictions). The proposed project also includes the erection of signage within the preferential parking zone to identify the hours of the parking restrictions as well as demarcate the restricted areas.

Residents that front on the above listed streets are allowed to park on the street with the purchase of a parking permit from the City. The City charges \$15.00 for an annual parking permit. The City's municipal code states that the number of Permits per residential household is limited to the number of vehicles registered at that address. If more than three permits are requested the applicant must show that sufficient off-street parking is not available to the applicant (Santa Monica Municipal Code Section 3233). Any vehicle parked without a permit will be removed by the City. All designated streets will be posted with curbside signs indicating the parking restrictions.

The proposed zone is mainly located in the City of Santa Monica's North Side Residential planning area. Lots located along the north side of Wilshire Boulevard are within the Downtown planning area. The proposed zone is generally situated just north of the City's downtown business district and east of Palisades Park, a mile long linear bluff top park (see Exhibit No. 2). The nine streets within and affected by the proposed zone provide

approximately 881 curbside parking spaces, with parking on both sides of the streets (132 parking spaces on the west side of Ocean Avenue, and 47 spaces along Wilshire Boulevard, within the boundaries of the zone, are not included in the total since the west side of Ocean Avenue and all of Wilshire Boulevard would not be affected by the restrictions). The coastal zone boundary in this area is 4th street.

The zone extends approximately 3 to 5 blocks from the beach and is located within a high-density residential neighborhood and just north of the City's Third Street Promenade (downtown outdoor shopping and entertainment area). The majority of the residential structures are older structures built between the 1920's and 1950's. These structures have no or limited on-site parking. The structures in the area that provide on-site parking have inadequate parking, based on current standards.

There is currently one other preferential residential parking zone, Zone ZZ, that is in close proximity of the proposed zone. Preferential parking zone ZZ is located immediately adjacent to and east of 4th Street, between Washington Avenue and Wilshire Boulevard. This zone is outside of the coastal zone.

B. Previous Commission Permit Action on Preferential Parking Programs within the City of Santa Monica.

The Commission has approved eight previous residential preferential parking zone permit application within the City of Santa Monica (see Exhibit No. 6). In 1996, the City proposed 24-hour preferential residential parking along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard, in the north part of the City (CDP application No. 5-96-059). The Commission found that due to the zone's distance from the beach and absence of direct access to the beach from the street the area did not provide significant beach access parking. However, because the public used the area for scenic viewing and other recreational activities the Commission found that the City's proposed 24-hour parking restriction was too restrictive and would significantly impact access and coastal recreation in the area. The Commission denied the permit and directed staff to work with the City to develop hours that the City could properly implement and would also protect public access and coastal recreation. The City subsequently submitted a new permit application with hours that restricted public parking only between the hours of 6:00 p.m. and 8:00 a.m. The Commission approved the permit with the proposed evening hour restrictions with special conditions (CDP No. 5-96-221). One of the special conditions limited the authorization to two years and required the City to submit a new permit application if the City wanted to continue the parking restrictions beyond that time, so that the program and possible impacts could be re-evaluated. In June 2000, the City submitted a new application and based on documentation that showed that the parking restrictions created no significant impact to public access to the area or impacts to surrounding streets, the Commission approved the permit (CDP No. 5-00-219).

In 1999, the Commission approved seven additional preferential parking zones within the City of Santa Monica (CDP's 5-99-45 through 51). The seven separate parking zones were generally located in the Ocean Park area (area south of Pico Boulevard) and varied from adjacent to the beach to seven blocks from the beach. The restrictions also varied from no public parking 24 hours per day, to limited public parking.

The Commission found that the creation of the preferential parking zones that excluded the general public from parking on the street during the beach use period adversely impacted public access and were inconsistent with the access policies of the Coastal Act. To mitigate the impacts the Commission required that those zones that excluded public parking during the beach use period, provide one-hundred percent replacement parking. These zones were located immediately adjacent to the beach or within one block of the beach. The zones located further inland (approximately 3 blocks from the beach) were either proposed or conditioned to allow at least two hour public parking during the beach use period. The Commission found that no less than two hours were adequate for beach and recreational use and that extended hours would only be usurped by employees of the nearby Main Street commercial area. Furthermore, based on user surveys the two hours was the average time that beach goers would spend at the beach and there was an adequate supply of street and public lot parking in the area.

C. State Wide Commission Permit Action on Preferential Parking Programs and Other Parking Prohibition Measures.

Since the passage of the Coastal Act the Commission has acted on a number of permit applications throughout the State's coastal zone with regards to preferential parking programs along public streets. In 1979 the City of Santa Cruz submitted an application for a preferential parking program in the Live Oak residential area [P-79-295 (City of Santa Cruz)]. The program restricted public parking during the summer weekends between 11 a.m. to 5 p.m. The City proposed to mitigate the loss of available parking along the public streets by the availability of day use permits to the general public, the provision of remote lots and a free shuttle system. The Commission approved the program with the identified mitigation measures.

In 1982 the City of Hermosa Beach submitted an application for a preferential parking program for the area located immediately adjacent to the coastline and extending approximately 1,000 feet inland [#5-82-251 (City of Hermosa Beach)]. The proposed restricted area included the downtown commercial district and a residential district that extended up a hill 1,000 feet inland. The purpose of the preferential parking zone was to alleviate parking congestion near the beach. The program included two major features: a disincentive system to park near the beach and a free remote parking system to replace the on-street spaces that were to be restricted. The Commission found that the project as proposed reduced access to the coastal zone and was not consistent with the access policies of the Coastal Act. Therefore, the Commission approved the preferential program with conditions to ensure consistency with the Coastal Act. The conditions included the

availability of day-use parking permits to the general public and a shuttle system in addition to the provision of remote parking spaces. The Commission subsequently approved an amendment (July 1986) to remove the shuttle system since the City provided evidence that the shuttle was lightly used, the remote parking areas were within walking distance, and beach access would not be reduced by the elimination of the shuttle program. The City explained to the Commission that due to a loss of funds for the operation of the shuttle system it was necessary to discontinue the shuttle and request an amendment to the Coastal permit. The Commission approval of the City's amendment request to discontinue the shuttle system was based on findings that the shuttle system was not necessary to ensure maximum public access.

In 1983 the City of Santa Cruz submitted an application for the establishment of a residential parking permit program in the area known as the Beach Flats area [#3-83-209 (City of Santa Cruz)]. The Beach Flat area consists of a mix of residential and commercial/visitor serving uses, just north of the Santa Cruz beach and boardwalk. The area was originally developed with summer beach cottages on small lots and narrow streets. The Commission found that insufficient off-street parking was provided when the original development took place, based on current standards. Over the years the beach cottages were converted to permanent residential units. With insufficient off-street parking plus an increase in public beach visitation, parking problems were exacerbated. The Commission found in this particular case that the residents were competing with visitors for parking spaces; parking was available for visitors and beach goers in public lots; and adequate public parking in non-metered spaces was available. Therefore, the Commission approved the permit with conditions to ensure that parking permits (a total of 150) were not issued to residents of projects that were recently constructed and subject to coastal development permits.

In 1987 the Commission approved, with conditions, a permit for a preferential parking program in the City of Capitola [#3-87-42 (City of Capitola)]. The program contained two parts: the Village parking permit program and the Neighborhood parking permit program. The Village consisted of a mixture of residential, commercial and visitor-serving uses. The Neighborhood district consisted of residential development located in the hills above the Village area. The Village, which has frontage along the beach, is surrounded on three sides by three separate neighborhoods. Two neighborhoods are located above along the coastal bluffs with little or no direct beach access. The third neighborhood is located inland, north of the Village.

Similar to the Santa Cruz area mentioned above, the proposed Village area changed from summer beach cottages to permanent residential units, with insufficient off-street parking. With insufficient off-street parking and an increase in beach visitation, on-street parking became a problem for residents and businesses within the Village and within the Neighborhood. The proposed preferential parking programs were proposed to minimize traffic and other conflicts associated with the use of residential streets by the visiting public. The Village program allowed residents to obtain permits to exempt them from the two-hour

on-street parking limit that was in place, and the requirement of paying the meter fee. The Neighborhood program would have restricted parking to residents only.

The Village program did not exclude the general public from parking anywhere within the Village. The Neighborhood program as proposed, however, would have excluded non-residents from parking in the Neighborhood streets. The Commission found that public access includes not only pedestrian access, but also the ability to drive into the Coastal Zone and park, to bicycle, and to view the shoreline. Therefore, as proposed the Commission found that the proposal would adversely affect public access opportunities. Without adequate provisions for public use of these public streets that include ocean vista points, residential permit parking programs present conflicts with Coastal Act access policies. Therefore, the Commission approved the permit with special conditions to assure public access. These conditions limited the number of permits within the Village area, restricted public parking limitations to vista point areas in the Neighborhood district, required an access signage program, operation of a public shuttle system, and monitoring program and imposed a one-year time limit on the development that was authorized (requiring a new permit or amendment to continue the program).

In 1990 the City of Los Angeles submitted an application for preferential parking along portions of Mabery Road, Ocean Way Entrada Drive, West Channel Road and East Rustic Road in the Pacific Palisades area, within Santa Monica Canyon [#5-90-989 (City of Los Angeles)]. The proposed streets were located inland of and adjacent to Pacific Coast Highway. The preferential parking zone extended a maximum of approximately 2,500 feet inland along East Rustic Road. According to the City's application, the purpose of the proposal was for parking relief from non-residents. Despite available parking along surrounding streets and in nearby State beach parking lots along Pacific Coast Highway that closed at 5:30 p.m., the Commission denied the application because the areas were used for parking by beach goers and because elimination of public on-street parking along these streets would significantly reduce public beach parking in the evening and also reduce visitor serving commercial parking.

In 1997 the Commission denied, on appeal, a City of Los Angeles' Coastal Development Permit for preferential residential parking in the Venice area [A-5-VEN-97-183 (City of Los Angeles)]. The Commission found that because of the popularity of Venice Beach and Ocean Front Walk (boardwalk), the limited amount of off-street beach parking within the beach parking lots was not adequate to support the amount of visitors that came to the area and that the surrounding neighborhoods served as a parking alternative to the beach parking lots. Therefore, the Commission found that restricting public parking along these streets during the beach use period would adversely impact beach access.

As shown above, the Commission has had before them a number of preferential parking programs statewide. The Commission has approved all of the programs except for two programs. While the approved programs regulated public parking they did not exclude public parking in favor of exclusive residential use. Because the programs were designed

or conditioned by the Commission to preserve public parking and access to the beach, the Commission found the programs consistent with the access policies of the Coastal Act.

All programs attempted to resolve a conflict between residents and coastal visitors over on-street parking. The Commission approved the programs only when the Commission could find a balance between the parking needs of the residents and the general public without adversely impacting public access. For example, in permit #P-79-295 (City of Santa Cruz) and #5-82-251 (City of Hermosa Beach) preferential parking was approved with mitigation offered by the City or as conditions of approval that were required by the Commission to make available day use permits to the general public, remote parking and a shuttle system. In #3-83-209 (City of Santa Cruz), because of a lack of on-site parking for the residents within a heavily used visitor serving area, and adequate nearby public parking, the Commission approved the project to balance the needs of the residents with the general public without adversely impacting public access to the area. In #3-87-42 (City of Capitola) the Commission approved the program for the visitor serving area (the Village) because it did not exclude the general public from parking in the Village but only limited the amount of time a vehicle could park. However, preferential parking in the Neighborhood district, located in the upland area, was, for the most part, not approved since it excluded the general public from parking. The only areas within the Neighborhood district that were approved with parking restrictions were those areas immediately adjacent to vista points. In these areas the Commission allowed the City to limit public parking to two-hour time limits.

Where a balance between residents and the general public could not be found that would not adversely impact public access opportunities the Commission has denied the preferential parking programs, as in the case of #5-90-989 and A5-VEN-97-183 (City of Los Angeles).

In addition to preferential parking programs, the Commission has also reviewed proposals to prohibit general parking by such measures as posting "No parking" signs and "red curbing" public streets. In 1993 the City of Malibu submitted an application for prohibiting parking along the inland side of a 1.9 mile stretch of Pacific Coast Highway [#4-93-135 (City of Malibu)]. The project would have eliminated 300 to 350 parking spaces. The City's reason for the request was to minimize the number of beach goers crossing Pacific Coast Highway for public safety concerns. The Commission denied the request because the City failed to show that public safety was a problem and because no alternative parking sites were provided to mitigate the loss of available public parking. Although there were public parking lots located seaward of Pacific Coast Highway and in the upland areas, the City's proposal would have resulted in a significant loss of public parking. The Commission, therefore, found that the proposal would adversely impact public access and was inconsistent with the access policies of the Coastal Act. In denying the proposal, the Commission recognized the City's desire to maximize public safety and found that there were alternatives to the project, which would have increased public safety without decreasing public access.

In 1989 the Commission appealed the City of San Diego's permit for the institution of parking restrictions (red curbing and signage) along residential roads in the La Jolla Farms area (#A-6-LJS-89-166). The impetus for the parking restrictions was residential opposition to the number of students from the University of California at San Diego campus who parked on La Jolla Farms Road and Black Gold road, and the resulting traffic and public safety concerns associated with pedestrians and road congestion in the area. Specifically, the property owners association cited dangerous curves along some portions of the roadway, which inhibited visibility; lack of sidewalks in the area and narrow streets (between 37 to 38 feet wide); and increased crime.

The Commission filed the appeal due to concerns on the parking prohibition and its inconsistency with the public access policies of the Coastal Act. The area contained a number of coastal access routes for beach access and access to a major vista point. The Commission found that the City's permit would eliminate a source of public parking and would be inconsistent with the public access policies of the Coastal Act. The Commission further found that the elimination of the public parking spaces along the areas proposed could only be accepted with the assurance that a viable reservoir of public parking remained within the area. Therefore, the Commission approved the project with special conditions to limit public parking to two-hours during the weekdays and unrestricted parking on weekends and holidays. The Commission further allowed red-curbing basically along one side of the road(s) and all cul-de-sacs for emergency vehicle access. The Commission found, in approving the project as conditioned, the project maximized public access opportunities while taking into consideration the concerns of private property owners.

As in the preferential parking programs that have come before the Commission in the past, if proposed parking prohibition measures can be proposed or conditioned so that private property owner concerns can be balanced with coastal access opportunities, where impacts to public access is minimized, the Commission may find such proposals consistent with the public access policies of the Coastal Act.

D. Development Which Requires a Coastal Development Permit

Section 30600 of the Coastal Act requires a local government wishing to undertake development in the coastal zone to obtain a coastal development permit.

Pursuant to Section 30106 of the Coastal Act development includes a change in the intensity of use of land; a change in the intensity of use of water, or of access thereto; and placement of solid material or structure. In this instance the change in intensity of use of land is converting the on-street parking spaces from public spaces to private residential spaces, i.e. a change in use from a public use, to a private residential use, which in this instance is located on public property. A change in intensity of use of access to the water will also result from the creation of a preferential parking district (zone) by prohibiting public parking and completely limiting the amount of time one can park on a public street adjacent

to the beach. Placement of the parking signs implementing the district also constitutes development.

Although the Vehicle Codes provides the City with the ability to create preferential parking zones, this authority is permissive and in no way eliminates the requirements of other applicable state laws such as the Coastal Act. The Commission has consistently maintained that such zones/districts have potential adverse impacts to coastal access and recreation because public access includes the ability of beach visitors who depend on the automobile to access the beach from inland communities. The impacts of each zone may vary depending on location, hours, boundaries, and coastal and recreational facilities in the area. Therefore, each preferential parking zone needs to be analyzed on a case by case basis to determine the zone's impact to beach access and it's consistency with the Coastal Act. The proposed preferential parking zone's impact to coastal and recreational access is addressed below.

E. Public Access and Recreation

One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. The establishment of a residential parking zone within walking distance of a public beach or other recreational areas will significantly reduce public access opportunities.

Several Coastal Act policies require the Commission to protect beach and recreation access:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public In carrying out the requirement of Section 4 of Article X of the rights, rights of private property owners, and natural resource areas from overuse. California Constitution, maximum access, which shall be

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252(4) of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by ...providing adequate parking facilities or providing substitute means of serving the development...

In preliminary studies that led to the adoption of the Coastal Act, the Commission and the Legislature reviewed evidence that land uses directly adjacent to the beach were required to be regulated to protect access and recreation opportunities. These sections of the Coastal Act provide that the priority of new development near beach areas shall be given to uses that provide support for beach recreation. The Commission has evaluated these concerns in upland and mountainous areas near the beach to provide coastal viewing and alternatives to the beach for jogging, strolling and cycling. Furthermore, the Commission has consistently addressed both public and private parking issues in order to protect the ability of beach visitors who depend on the automobile to access the beach.

With development of hotels, restaurants, and improvements to the Pier and beach, the Santa Monica beach area has been attracting an increasing amount of visitors from throughout the Los Angeles area and from outside of the region. The City's LUP states that the Santa Monica State Beach is the most heavily used beach in Los Angeles County and possibly in the State. The City has estimated that over 20 million people visit Santa Monica's beaches annually (City of Santa Monica's 1992 certified Land Use Plan). In 1998, between July and September approximately 7.5 million people came to Santa Monica beaches (County of Los Angeles Fire Department Lifeguard Division).

In addition to increased beach visitors, Santa Monica has also experienced an increase in visitors to the downtown's Third Street Promenade, due to the City's revitalization improvements along the pedestrian oriented Promenade. The Promenade extends from Santa Monica Boulevard to the south, to Wilshire Boulevard to the north (See Exhibit No. 2). The increase in visitors to the Promenade has increased the parking occupancy along the neighboring residential areas where parking is already impacted due to existing high density development. According to a survey that was conducted on a summer weekend (July 27, 2002) for the City by a traffic consultant group, The Traffic Solution, parking occupancy between the hours of 6 p.m. and 8 p.m., for the streets within the zone varies from 83% to 100% (see Exhibit No. 4). Because of the impact Promenade visitors are having on the residential neighborhood, the City is proposing a preferential parking program to restrict public parking during evening and early morning hours, from 6 p.m. to 8 a.m. The parking program would allow residents that front on residential streets to purchase parking permits from the City. The City charges \$15.00 for an annual parking permit. The City's municipal code states that the number of Permits per residential

household is limited to the number of vehicles registered at that address. If more than three permits are requested the applicant must show that sufficient off-street parking is not available to the applicant (Santa Monica Municipal Code Section 3233).

The proposed preferential parking zone is located approximately 3 blocks from the City's north beach area (area north of the Santa Monica Pier). The area is separated from the beach by Ocean Avenue, Palisades Park which is set atop a 100 foot bluff, Pacific Coast Highway, and a row of residential development and public beach lots. Access to the beach from atop the bluff within this area is by two separate stairways that lead to pedestrian overpasses near Montana Avenue and between Idaho and Washington Avenue. There are two other bluff top pedestrian overpasses located south of Wilshire Boulevard.

Public parking is currently available along all streets within the zone including Ocean Avenue, which is adjacent to and runs parallel to Palisades Park. The streets within the proposed zone provide approximately 881 parking spaces (the actual number affected by the proposed restrictions would be approximately 802 spaces due to the City's ordinance that prohibits curbsides that are adjacent to commercial properties from providing residential parking restrictions). Current parking restrictions vary from no restrictions to 1, 2 and 5-hour limits. The west side of Ocean Avenue provides 132 metered spaces between Wilshire Boulevard and Montana Avenue, or a total of 275 metered spaces from the southern end (Colorado Boulevard) of Palisades Park to the northern end (Adelaide Drive and City's northern boundary). The 132 spaces that are within the boundaries of the zone along the west side of Ocean Avenue, would not be affected since that side of the street is not fronting residential property.

In addition to the street parking within the proposed zone, there are two public parking structures located in the southeast portion of the zone along 3rd Street (Structure No. 10) and 4th Streets (Structure No. 9), between Wilshire Boulevard and California Avenue. The two structures provide 82 and 294 public spaces respectively. Structure No. 9 provides 2-hours of free parking, and \$1.00 for each additional 30 minutes between 8 a.m. and 6 p.m., and a \$7.00 flat rate after 6 p.m. Structure No. 10 is metered with 3-hour maximum at \$.50 per hour.

Although the proposed zone is approximately 3 blocks inland of the beach, the majority of the demand outside of the residential demand, is due to patrons and employees of the downtown area. According to the survey submitted by the City, of 632 vehicles surveyed approximately 46% of the vehicles that parked in the area were residential related, and approximately 28% were going to the Promenade. The parking user survey also indicated that 18% of those surveyed were going to the beach, park or pier. However, of the total surveyed, 15% parked along Ocean Avenue to go the beach, Palisades Park or the pier, and the remaining 3% parked inland of Ocean Avenue within the residential area. Therefore, the majority of people parking within the residential area during the evening hours, excluding Ocean Avenue, were residents or visitors to the Promenade.

The high demand for parking in the area is caused by two factors. The first is that the residential area is an older high-density area with over 3,400 units within the twelve block area and there is inadequate on-site parking to support the residential demand. The second factor is the close proximity to the Promenade and the public's desire to find nearby free street parking rather than park in the surrounding downtown parking structures.

Parking studies have shown that there is adequate parking within the parking structures during the evening hours, which is the period of highest visitor demand for the Promenade. The City provides a total of approximately 3,128 parking spaces within six parking structures within the downtown area. Of this total, 2,480 spaces are available to the public (Parking Analysis Update for the Third Street Promenade/Bayside District, October 1993, prepared by Meyer, Mohaddes Associates). Within the parking structures, parking occupancy varies from 37% to 85%, with an average of approximately 55% for the six structures at 6:00 p.m. By 8:00 p.m. the rate increases to an average of approximately 65%.

Furthermore, there is also a surplus of parking within the nearby public parking structures that are located on 3rd and 4th Street, between Wilshire Boulevard and California Avenue during the evening hours. A parking survey of Parking Structure No. 9, located on 4th street, between Wilshire Boulevard and California Avenue, shows that occupancy at 6:00 p.m. is only 15% for the 294-space structure.

Additional parking for beach use is located below the bluffs and adjacent to Pacific Coast Highway within the State beach parking lots (see Exhibit No. 3). There are 10 separate beach lots from the Pier to the City's northern boundary. The lots provide approximately 2,486 parking spaces. According to beach parking lot information gathered by the City, based on four staffed parking lots (2,009 spaces) located north of the Pier, the lots average approximately 90% occupancy during the peak beach period, with a range from 74% to 103%, and decreases to an average of approximately 68% (551 available spaces), with a range from 54% to 75%, around 6:00 p.m. Therefore, during the evening hours there is a significant amount of parking available to the general public within the beach lots for beach and recreational access.

As shown by the parking information provided by the City, the majority of the non-resident visitors park along Ocean Avenue, as opposed to the residential neighborhood, because of the high occupancy rate of the residential neighborhood and higher turnover rate along Ocean Avenue (2.1 hours) as compared to the residential area (4.1 hours). The high density and longer turnover rate limits the availability of parking spaces within the residential area. Other factors can also be contributing to the low use by beach and recreational uses. One factor is the time of day. The peak beach period is generally between 1p.m. and 3 p.m. and during the evening hours there are less beach and recreational users searching for parking. Second, since beach demand has decreased during this time, the parking availability within the beach lots, that are closer to the beach, increases.

Although the parking restrictions will prohibit public parking, the restrictions are during a time when beach and recreational use is low and there is an adequate supply of available beach parking and parking along the western side Ocean Avenue. Based on the information provided by the City, although the restrictions will prohibit evening parking, the demand for public use of these streets for beach and recreational access is not significant.

The South Coast district office has received a letter from an attorney representing an apartment/hotel owner located on 3rd Street in the proposed zone, along with letters from guests of the hotel, objecting to the parking restrictions. The 36-room apartment/hotel was built in 1927 and does not have on-site parking. Since the development is partly a hotel and the City will not issue permits to guests of the hotel, the owner has indicated that the restrictions will adversely impact beach access by eliminating street parking for their guests that come to enjoy the coast. Although the hotel may provide overnight accommodations for visitors that may go to the beach, the Commission in past coastal permit action, has not protected or preserved public on-street parking to support private development. Furthermore, as shown by information submitted by the City, there is available parking within the nearby parking structures. Therefore, the restrictions imposed by the preferential parking in relation to the apartment/hotel does not raise any access issues with respect to the Coastal Act.

Over the last twenty years the Commission has found in past coastal permit action throughout the State, regarding preferential parking programs and other parking prohibition measures, the needs of the residents and the general public must be balanced without adversely impacting public access [#P-79-295 (City of Santa Cruz); #5-82-251 (City of Hermosa Beach); #3-83-209 (City of Santa Cruz); #3-87-42 (City of Capitola; #5-90-989 (City of Los Angeles); #4-93-135 (City of Malibu); #A-6-LJS-89-166 (City of San Diego); and #5-97-215 (City of Santa Monica)]. The hours proposed within this area of Santa Monica will balance the needs of the residents in regards to adequate curb side parking with the needs of the public in regards to the ability to access a visitor –serving commercial area that is within close proximity of the beach. There are on-street low cost parking meters throughout the surrounding area and public parking structures to provide the downtown visitor with a wide range of parking options.

Because of the location of the proposed zone, hours of the parking restrictions, and availability of additional parking in the surrounding area, the impact to public access for beach and recreational use will not be significant, however, the information submitted by the City has shown that Ocean Avenue is more extensively used by beach and recreational users than the residential area. This is due in large part to the provision of meters on the street parking, which creates a higher turn-over, and proximity to the park. The east side of the street provides approximately 72 parking spaces. Although the east side is not as heavily used as the west side due to shorter time restrictions, it is used by beach and recreational users. Moreover, Ocean Avenue is a major thoroughfare that is used by many visitors to the area. The visibility and proximity of the east side of Ocean Avenue to the park and beach provides visitors a potential source for alternative parking and should

remain available to the general public. Therefore, as a condition of this permit, parking along either side of Ocean Avenue shall not be restricted by the residential permit parking.

As conditioned, the establishment of a preferential residential parking district in this area will not significantly impact public beach parking at this time. However, it has been estimated that approximately 7.5 million visitors came to Santa Monica beaches in 1998 during the summer, between July and September (County of Los Angeles Fire Department, Lifeguard Division). Beach attendance has increased by approximately 20% since 1972. With each subsequent year, as Southern California's population increases, the amount of visitors to the beach will increase and there will be an increase in the demand for short-term and long-term beach parking within the beach lots and surrounding area. Therefore, to ensure that the restrictions will not adversely impact beach access in the future, the authorization for the parking restrictions will terminate in five years. The City may apply for a new permit to reauthorize the parking program. The City may also develop alternative parking for the public in the future that the Commission may consider as appropriate replacement parking mitigating the loss of public on-street spaces. If the City decides to continue the parking restrictions, prior to the expiration of the authorization of the parking restrictions, the City shall submit a new permit application which shall include a parking study that evaluates parking utilization for the streets surrounding the proposed preferential parking zone and the nearby beach parking lots during the summer weekends. To gather information that would be representative of the summer period the survey weekends shall be spread-out over the summer period and not consecutive weekends. The study shall include a parking survey for the streets within the surrounding area to determine purpose of trip, length of stay, parking location, destination, and frequency of visits.

All posted parking restriction signs shall be removed prior to termination of the preferential parking authorized by this permit, unless the Commission has approved a new permit to authorize preferential parking beyond five years from the date of approval of this permit. Furthermore, to ensure that any change in the restrictions or size of the zone will not adversely impact coastal access, any proposed change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit.

Based on the above information the Commission finds that the proposed preferential zone does not significantly adversely impact coastal access. The Commission, therefore, finds that, only as conditioned, will the proposed project be consistent with Sections 30210, 30211, 30212.5, 30213, 30214, 30223, and 30252(4) of the Coastal Act of 1976.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed

development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District) and the Civic Center. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. As discussed above, the Commission finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. There are no feasible alternatives or mitigation measures available, which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.